



Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality

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Oregon Department of Agriculture
ATTN: Curry County Public Comment
Natural Resources Division
635 Capitol St. NE
Salem, Oregon 97301-2532

Re: Proposed Water Quality Rules for the Curry County Agricultural Water Quality Management Plan

To whom it may concern:

The Department has reviewed the proposed SB 1010 plan and rules for Curry County Agricultural Water Quality Management Plan (AgWQMP) Area. We appreciate the efforts of ODA, the local ODA planner, the Curry SWCD as the DMA, and especially the efforts of the Local Advisory Committee members. In general, these efforts have resulted in the development of an AgWQMP that will assist local agricultural interests as they continue to implement sound practices to protect water quality.

We would like to provide to following comments regarding this plan:

- The Department concurs with ODA in their assessment of the needed geographic scope of applicability of the proposed rules. The riparian rule, as proposed, addresses not only 303d listed stream segments, but all perennial streams supporting salmon and trout rearing and migration. This geographic approach addresses both the biologically based numeric temperature criteria and the narrative temperature criteria relating to the protection of existing cold water.
- The proposed riparian rule (section B) identifies streams that are inaccessible to anandromous fish because of barriers at their junction with the Pacific Ocean as one of three exemption categories. It should be noted that temperature criterion apply to waters where resident trout are present in addition to the presence of "anandromous" fishes. Some Curry County streams do not support anandromous fish runs, in part because of barriers, but do support resident trout populations. Streams supporting resident trout should not be excluded from the riparian rule. Streams where non resident or introduced brook or brown trout are present are appropriate for exclusion.
- The proposed riparian rule identifies several management exemptions in section A. Approved hazard tree management may be a worthy addition.
- Although the Department has yet to complete TMDL's for Curry County, we do believe that the agricultural sector load allocations forthcoming from this process will need to be incorporated into the AgWQMP. We look forward to working with ODA to incorporate these load allocations into the Plan upon revision. This is consistent with our memorandum of agreement. It would be helpful to describe this process clearly somewhere in the plan. Many comments and inquiries have been voiced during the planning process regarding how loads from TMDL assessments will be incorporated.
- We are pleased that the rules address the need for heightened management of riparian areas. We are concerned that the rules do not more specifically define what riparian goals might be. It



might be helpful to identify who will determine that riparian vegetation represents conditions at site capability, and by what method this assessment will be accomplished. Inclusion of guidelines or mechanisms that will be used to make this determination might prove helpful.

- The proposed rules do not address channel stability or lack thereof. Channel conditions play an influential role in riparian conditions. Many agricultural channel areas in the county show indications that some level of channel instability is present. Controlling sediment sourcing to these areas is a critical management action. I continue to suggest incorporating this concept as possible into this document.
- The proposed rules do not address irrigation management. In addition to riparian and channel conditions, flow is an important parameter directly related to stream temperatures. I would suggest that this document should speak to water conservation and the prudent use of irrigation water. Protecting instream flows is an important part of temperature TMDL implementation. Irrigators need to utilize irrigation waters in such a way as to meet irrigation needs while implementing conservation measures to assure this precious resource is not wasted.
- During public hearings ODA indicated that most other water quality parameters of concern will be addressed through the adoption of ORS468b. I would suggest that you identify in the plan what specific parameters will be addressed through their relationship with 468b (bacteria, sediment, others?). This clarification might assist in determining this documents adequacy to address CZARA as reference on page 23. Thank you for your consideration and inclusion of reference to the Coastal Zone Act management measures.
- Monitoring and evaluation of the AgWQMP is described beginning on page 26. I would suggest that a section on implementation monitoring be added. Implementation monitoring would be an appropriate venue to report on progress in implementing education and outreach components for example. Implementation monitoring might also be an opportunity to report on progress in implementing management measures e.g. miles of riparian area planted. This type of monitoring and subsequent reporting could align well with emerging TMDL benchmarks.
- Page 23 of the Plan provides a landowner exclusion from responsibility "for conditions resulting from unusual weather events or other exceptional circumstances that could not have been reasonably anticipated". These conditions should be defined for clarification (e.g. storm reoccurrence interval, other definitions of "unusual").

We would like to recognize the past efforts of the Curry County agricultural community. These landowners and land managers have been actively implementing enhancement activities to improve water quality and fishery habitat for over a decade under the Oregon Plan for Watersheds. Their level of dedication to the resource on behalf of their industry has been impressive.

Sincerely,

Pamela Blake
South Coast Basin Coordinator
Oregon Department of Environmental Quality

cc: John Blanchard
Koto Kishida
Greg Aldrich

